

DISMISSAL OF CROKER IS NOW IN EFFECT.

Justice Leventritt Vacates the Stay Obtained by the Fire Chief When Commissioner Sturgis Had Ordered His Discharge—Croker's Appeal Stands.

The stay of proceedings obtained by Fire Chief Croker, restraining Commissioner Sturgis from dismissing him from the department, was vacated to-day by Justice Leventritt in the Supreme Court.

This action gives Commissioner Sturgis power to dismiss Chief Croker immediately.

Justice Leventritt in rendering the decision made it clear that the merits of the trial did not enter into consideration at all. He ruled merely on the line of precedent.

The decision does not affect the appeal from the Commissioner's action to the Appellate Division which was granted by Justice Fitzgerald at the same time with the stay.

The Corporation Counsel said this afternoon that by the ruling of Justice Leventritt Croker's dismissal goes into effect immediately.

In vacating the stay of dismissal of Croker Justice Leventritt says in a 3,000-word decision that the writ was granted on the affidavits of Chief Croker and his counsel and several newspaper reporters, the record of the trial of the Fire Chief not being presented to the Court. There was a good deal of history regarding the relations of the Chief and the Commissioner, the purpose being to show the Commissioner's bias and prejudice against Croker, the main arguments relied upon in the appeal, as showing the Commissioner's incompetence to try Croker.

"The affidavit of the chief clerk in the Corporation Counsel's office shows that the records for forty-five years have no such stay entered," says Justice Leventritt, and then he takes a quiet dig at Sturgis, saying:

"I do not deem it material to consider the various affidavits in further detail. It is quite unnecessary for the purpose of my decision, which I place on broad grounds, nor do I wish my decision interpreted as in any wise constituting an approval of the trial, so far as the same is disclosed by the affidavits before me and the uncontradicted excerpts from the record.

"Even were the record of the trial before me it would not be incumbent upon me, nor even proper, to review the testimony, even though the reading satisfied me that I should reach a different conclusion than the officer whose decision is questioned.

"I can only act on the papers before me, which do not include the record of the trial. The papers before me contain the decision of Commissioner Sturgis and his order of dismissal to Chief Croker. It professes to find Croker guilty on several charges, on uncontradicted testimony—largely that given by himself. If the record bears this out the sentence must stand, however biased the Fire Commissioner may have been, or however undignified or unjust his conduct of the trial may have been, or however violate of propriety or delicacy it may have been to have insisted on his right to preside in person.

"Upon a reinstatement by the Appellate Division, should that tribunal so decide, the Chief will be restored to duty and receive the pay for the time he was ousted. But, until then, I am compelled to assume that the dismissal was regular and supported by evidence. At the same time, I wish again to reiterate that my conclusion in no wise involves the merits of this proceeding, and is in no sense intended to affirm the proceedings at the trial of Fire Chief Croker."

John J. Delaney, counsel for Chief Croker, was not cast down by the decision. In fact, he took Justice Leventritt's remarks about not wishing his decision to constitute "an approval of the conduct of the trial as the same is disclosed by affidavits and the uncontradicted excerpts of the record" as highly favorable to his client.

"We are just where we were when the decision of Sturgis was made," he said, "and the papers in the case are now being prepared for submission to the Appellate Division, February term."

THREW LIFE AFTER HIS JOB.

Discharged by Firm for Whom He Had Worked for Years, Helmut Promptly Killed Himself.

INVITED WIFE TO SEE IT.

John Helmut, assistant foreman in the Elchler Brewing Company, No. 332 Third avenue, was discharged to-day, and an hour later killed himself in his home, No. 316 East Ninety-second street, by drinking carbolic acid. He warned his wife that he was going to take his life, but she thought he was only joking and took no steps to prevent him.

Helmut had been in the brewery's employ since he was a little boy. He was twenty-nine years old and had been married ten years. Recently he had had trouble with the workmen in the brewery, and yesterday there was a crisis. When he got to the office this morning he was told that his services would not be needed any more.

Going home, he told his wife what had happened and said that he was going to kill himself.

"That's foolish," said Mrs. Helmut. "Take a walk around the block and cheer yourself up. We've got money and you can get another place."

"I've worked all my life in the brewery," said Helmut, "and I don't want to work anywhere else. You may think I'm joking, but you'll find out."

The wife still did not believe that he was in earnest for he went out of the house. A few minutes later the tube into the cellar whistled.

"This is John," said her husband's voice at the other end. "If you want to see me alive come to the cellar."

"Oh, you come up here," answered the wife. "I can see you better."

"All right," said the voice and the conversation ended.

Two minutes later John Frederick, Mrs. Helmut's father, called her on the tube and told her that John had killed himself. She ran downstairs to find him, but he had been taken two ounces of carbolic acid. He had met Frederick's son, Rudolf Eckstein outside the house and told him, too, that he was going to kill himself and invited them into the house.

He paid no more attention to him and Mrs. Helmut, but when they were alone she made good his threat. When she was called from the house she found that she had been deceived.

LAURA BIGGAR NEAR COLLAPSE

Leading Defendant in the Trial for Conspiracy to Get the Bennett Fortune III in the Court-Room.

MRS. HENDRICK FAINTED.

Stanton, Ex-Justice of the Peace and Co-Defendant, Swears He Married the Actress and Millionaire, but Gets Badly Tangled Up on Stand.

(Special to The Evening World.)

FREEHOLD, N. J., Dec. 18.—Laura Biggar, principal defendant in the trial for alleged conspiracy to get the fortune of the late Henry M. Bennett, was on the verge of a collapse in the courtroom this afternoon. Mrs. Hendrick, wife of Dr. Hendrick, another of the defendants, fell over in a faint. Miss Biggar complained of the bad air in the courtroom and the windows were opened.

The first witness to-day was Mary Roach, she kept house for Mr. Bennett and Laura Biggar when they lived in Seventy-second street, New York City. Mr. Bennett alluded to Laura Biggar as his wife. Mrs. Roach said that Mr. Bennett had said to her, "My wife and I occupy this flat." That was in 1928. "There was some doubt in my mind as to their relations because of a remark that the maid servant, Amelia, made. I questioned Laura Biggar and she showed me what I thought was a marriage certificate."

Dr. Connolly who swore that he was present at the birth of the child in Dr. Hendrick's Sanitarium, was recalled for cross-examination. He went over the same ground again, and the prosecution failed to shake his testimony.

At this point Samuel Stanton, ex-Justice of the Peace, was called to the stand as the first of the trio of defendants. He was called to testify that he was not guilty of a conspiracy, and that he married Henry M. Bennett and Laura Biggar on Jan. 2, 1928. The witness said he was a clerk for the Citizens' Union, and that he had been a Justice of the Peace for five years in Hooker, he said he had performed the marriage ceremony. It was between 10 and 11 o'clock at night on Jan. 2, Stanton said.

"I was in my home in Monroe street on the third floor. There was a rap on the door and a man and woman appeared. The man said: 'My name is Henry M. Bennett and we want to get married. I have you any objections?' I said that I had no objections. I went over to my desk and got a blank. Mr. Bennett said that the woman's name was Laura Biggar."

"When Mrs. Bennett wrote to me four years after the marriage," Stanton said, "she said that she had lost the marriage certificate and wanted a duplicate. I said I would send it to her by mail. Stanton was asked what he had done with the letter and he said he had burned it up after recalling to his mind the circumstances of the marriage."

Stanton got badly mixed when Lawyer Wilson read his testimony at the Long Branch hearing. He contradicted everything he had sworn to at Long Branch. It was brought out that his testimony that he had filed the certificate was given on the same day he had sworn to put it in the mail. Stanton said that when he had sworn at Long Branch that the exhibition certificate was the original he had told the truth to the best of his knowledge at that time. He didn't remember the duplicate that he had sent Laura Biggar a few months before.

Stanton swore that he had made out the duplicate certificate after his term of office had expired. He then corrected his statement and said he was not sure when he married Bennett and Miss Biggar. "I lost the book," he said, "and I stored all my things and they were sold at public auction."

Q. Then where did you get this marriage certificate? A. I must have bought it in Hooker.

Q. Where? A. At Reed's store, I suppose, that is the only place.

The prosecution then sprung a surprise. A letter was produced which Stanton had written to Herbert Davis while he was staying in Bayonne. The letter said:

Dear Friend Herbert—They will be some one looking for me in a week or so they may ask you to work for you, tell them yes and I am living with you. I expect to be in a week or two so look out and don't give me away to any one. You will soon be on your feet. You know what I mean. I have your address. I wanted to write to her and could not find the address. I can write to you and she will address it to you. I can write to you and she will address it to you. I can write to you and she will address it to you.

Stanton refused to say who Pauline is. Under redirect examination Stanton said that he had never married the letter. He said he expected trouble with his wife and it was to that the letter referred.

Mr. Louise McClure, who worked for Mr. Bennett at Farmingdale and who has been with Laura Biggar every day, swore that she remembered that Laura Biggar and Mr. Bennett lived as husband and wife. She remembered when the duplicate marriage certificate came by mail after the death. Miss Biggar opened the package and cried: "Here's the marriage certificate. Now I'm all right."

Mrs. McClure said that Laura Biggar had called for Bennett day and night. Court then adjourned until to-morrow.

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CASE AGAINST THE GAMBLERS CLOSES

WITHOUT ANY DEFENSE BEING OFFERED.

(Continued from First Page.)

appearing in disguise. Gov. Black hardly knew him when he resumed the stand. Yesterday the witness appeared with a bristling mustache, a black suit of clothes and a black hat.

To-day the black mustache had disappeared. The detective was smooth shaven. Instead of the black suit he wore a light business suit with a pronounced check. A wide-brimmed Western sombrero displaced the black derby.

Where is that Moustache?

As soon as the great lawyer identified his man he took up the cross-examination where he left off yesterday.

"Why did you take your mustache off?" he asked.

Justice Wyatt ruled that the witness need not answer that.

"Well, when did you get to buying mustaches?"

"Oh, fifteen years ago, when I was a deputy sheriff at Annapolis in Washington. I used to buy mustaches and beards and wigs."

"What for?"

"To ferret out crime."

"How large was the town?"

"About 2,000 people, but disguises were necessary to ferret out crime. I not only used to wear disguises, but I used to change my face."

"Change your face?" ejaculated the lawyer. "How could you change your face?"

"By manipulating it," answered the great sleuth.

He started to tell how he did this, but Justice Wyatt said he didn't think it necessary.

"You say you disguised yourself to ferret out crime. Tell us of an instance."

"Well, there was a jewelry store robbery once, and—"

"Did you disguise yourself before or after the robbery?" put in the lawyer, with a grin that found responses all through the court.

"I think it was after," said Jacobs, meekly.

Not All Disguises Here.

"Did you bring all your disguises with you when you came East?"

"No, sir."

"Where did you get that big black mustache you wore on the night of the raid?"

"Oh, I bought that several months ago when I was a clerk for the Citizens' Union."

"Why did you have to change your appearance then?"

"I used to ferret out crime for them."

After a description of the doors in the alleged gambling house Jacobs was excused and James M. O'Neill, a special patrolman for the Citizens' Union, was called.

After finishing with O'Neill the prosecution rested. Ex-Gov. Black made a motion to dismiss the case, but it was denied. As the defense had no witnesses to put on Justice Wyatt announced that he would reserve decision in the case until Jan. 6. If at that

time the defense wishes to call witnesses it may do so.

"BOSH," SAID JEROME, IN REPLY TO LEWISOHN.

District Attorney Jerome reached the Criminal Courts Building early, prepared for a warm day. He preserved a calm front. Ensnoring himself behind a bunker of cigarette butts in his office, he lighted a fresh cigarette and met the reporters bravely.

"Gentlemen," he inquired, "what can I say to you this morning?"

There was so much that he might say that no one dared answer for two minutes. Meanwhile a fierce fog arose from the District Attorney's face. Finally one of the reporters asked him what he thought of Jesse Lewisohn's statement that he was not protecting Canfield but his rights as an American citizen in refusing to testify.

"That's all bosh," said the District Attorney. "Gambling is illegal and he is protecting gambling. There are plenty of Supreme Court precedents to show that the law holds he must testify. There was the case of Hackley versus Kelley, in 1911, before Recorder Hoffman. It was a bootlegger case and the Supreme Court held that a man must testify in such a felony as bribery."

"The same decision was given in the Jake Sharp case. In murder cases a man does not have to testify, but he does in a felony like gambling."

"Are you going to keep on the same course during the rest of your three years in office?" he was asked.

"I certainly am," was the reply.

"Gambling is forbidden by the law and I'm going to enforce the law. Personally, I don't think that gambling can be stopped, because it is a human weakness. No more can murder be stopped by executions or thefts by punishment. But gambling can be lessened."

The Evil in Gambling.

The great evil of these public gambling-houses is that firms are often ruined by one member gambling away all its resources and dragging down the other members. If the public gambling-houses were closed, the men with the gambling instinct would keep at it in some other way, but not to the same extent.

"There is a difference between playing cards with friends and playing for big stakes in a gambling-house. Making a business of gambling is a great crime, and I'm going to keep pounding away at it unless the laws are changed."

While the District Attorney was talking, Richard Canfield, on the ground, came in with the citation in the habeas corpus case.

It revealed the fact that in the inquiry before Justice Wyatt Lewisohn had refused to answer the question: Do you know Richard Canfield? on the ground that it would tend to degrade or incriminate him.

"You mean your answer would?"

Lewisohn was asked.

"Yes," he replied.

"I don't see how your saying whether or not you know Canfield would incriminate you," put in Justice Wyatt.

Nothing, said Lewisohn, but he was therefore adjudged in contempt.

CASE OF CANFIELD'S MAN IS UP AGAIN.

The examination in the case of David W. Bucklin, who is charged with being the manager of Richard Canfield's place at No. 5 East Forty-fourth street, went on before Justice Wyatt this afternoon. Jacobs was the witness. His cross-examination was continued by ex-Judge Fursman, who made him tell the story of his life.

When Jacobs said that he was a clerk for the Citizens' Union, who investigated complaints against gamblers, the ex-Justice asked sharply:

"Do you call that being a clerk?"

"You can call it what you please," retorted the witness.

"Don't you talk like that to me," said the lawyer. "I don't have to call it anything."

"Well, call it 'investigator.' If you like that better," said the witness.

The witness said that he had not seen John Willard, who he had testified, had "sawed" him into Canfield's, since the night of Nov. 28.

He did not know what had become of him.

"Who is he?" asked the lawyer.

"He's a professional tout."

"What's that?"

"A fellow who steers people into gambling houses."

In answer to questions Jacobs said Willard was about 5 feet 8 inches tall and wore a light suit of clothes when he saw him.

"What color was his hair?"

"About that of that man over there," pointing to a reporter.

"I'm no artist," said ex-Judge Fursman, tartly. "Tell me what the color was."

"A light Auburn," decided Jacobs.

"I suggest an exhibit of the reporter's hair," put in the District Attorney.

The Justice sat on him and the examination proceeded.

He's a Sleuth, He Says.

Testifying about the night he got evidence for the said Jacobs said that Joseph O'Neill, of the Citizens' Union, followed him to Canfield's.

"What's O'Neill?" asked Fursman.

"Oh, he's a sleuth," said Jacobs.

"Same business as your's, eh?"

"Yes. Same as mine. I'm a sleuth."

"So they set a rogue to catch a rogue eh?"

"Now, Judge, when I was a foreman of your Grand Jury you didn't say that to me."

The courtroom gasped. They began to wonder if the great detective had disguised himself as a millionaire and sat on the Grand Jury. Fursman was evidently nettled.

"Oh, don't threaten me. I'd take care of you under any circumstances," he said, angrily.

Justice Wyatt rapped on the table for order and said that this sort of bantering must stop so the examination went on.

Jacobs went on to tell of how he got

NOT DUE TO CLIMATE.

Catarrah is Found Everywhere. Catarrah is at home anywhere and everywhere. While more common in cold, changeable climates, it is by no means confined to them, but is prevalent in every State and Territory of the Union.

The common definition of catarrah is a chronic cold in the head, which if long neglected often destroys the sense of smell and hearing; but there are many other forms of the disease, even more obstinate and dangerous.

Catarrah of the throat and bronchial tubes, as well as catarrah of the stomach and liver, are almost as common as nasal catarrah, and generally more difficult to cure.

Catarrah is undoubtedly a blood disease, and can only be successfully eradicated by an internal treatment. Sprays, washes and powders are useless as far as reaching the real seat of the disease is concerned.

Dr. Melverney advises catarrah sufferers to use a new preparation, sold by druggists, called Stuart's Catarrah Tablets, because actual analysis has shown these tablets to contain certain antiseptic qualities of the highest value, and being an internal remedy, pleasant to the taste, convenient and harmless, can be used as freely as required, as well for children as for adults.

An attorney and public speaker, who had been a catarrah sufferer for years, says: "Every fall I would catch a cold which would settle in my head and throat and hang on all winter long, and every winter it seemed to get a little worse. I was continually clearing my throat, and my voice became affected to such an extent as to interfere with my public speaking."

"I tried troches and cheap cough cures, and sometimes got relief, but only for a short time, until this winter, when I learned of the new catarrah cure, Stuart's Catarrah Tablets, through a newspaper advertisement. Two fifty-cent boxes which I bought at my druggist's cleared my head and throat in fine shape, and to guard against a return of my old trouble I keep a box of the tablets on hand, and whenever I catch a little cold I take a tablet or two and ward off any serious developments."

Stuart's Catarrah Tablets deserves to head the list as a household remedy, to check and break up coughs and colds, because unlike many other catarrah and cough cures, these tablets contain no opiate, cocaine or any injurious drug.

Sunday World Wants Work Monday Morning Wonders.

Mayor Low received to-day a partial report on the proposed new police platoon system from the commission composed of Eugene A. Philbin, Col. Partridge and Avery D. Andrews, whom the Mayor appointed to effect a new system of police hours.

It is believed that the report rendered to-day comes from Eugene A. Philbin, who is in favor of a four-platoon system. Col. Partridge is opposed to any change. Mayor Andrews is thought to concur with Mr. Philbin.

REPORT ON POLICE HOURS.

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Of most desirable Fur Neckwear and Muffs—just in time for the Holidays—purchased by us at a sacrifice, will be placed on sale to-morrow morning at

Much Below Prevailing Prices.

Double Black Raccoon Long Boas, heretofore \$18.50, now..... \$14.75

Sable Fox Boas, double, large brush tails, heretofore \$16.75, now..... \$11.75

Mink Boas, large cluster tails, heretofore \$12.00, now..... \$6.75

Sable Fox Muffs, heretofore \$15.00, now..... \$10.00

Sable Fox Muffs, heretofore \$12.50, now..... \$8.75

Finest Siberian Sable Fox Boas, heretofore \$25.00, now..... \$19.75

Complete assortments of Black Lynx, Blue Lynx, novelties in Mink and Chinchilla in Boas; Stoles and Muffs at equally attractive prices.

Misses' Fur Sets.

Finely made and handsome Furs for the girls, certain to be appreciated as Christmas gifts. The following are

Special Prices for Friday and Saturday.

Boa and Muff of Chinchilla Coney..... \$4.98

Boa and Muff of Sable Opossum..... \$6.95

Boa and Muff of Blue Moufflon..... \$9.75

Boa and Muff of Nutria Beaver..... \$6.95

Boa and Muff of Blended Water Mink..... \$7.50

Popular Presents for Men Are House Coats and Bath Robes.

Specials for Friday and Saturday.

Men's House Coats of All Wool Tricot, in garnet, brown and blue; sizes 34 to 44, sold usually at \$6.00, special at..... \$4.50

Men's House Coats of All Wool English double-faced Cloth, in an elegant assortment of colors and patterns; all sizes, regular value \$8.00, special at..... \$5.75

Men's Bath Robes of All Wool Cheviot and Eider-down; all sizes, regular value \$6.50, special at..... \$3.75

Men's Blue and Black Jersey Coats, double-breasted; sizes 34 to 44, usually \$6.00, special at..... \$3.98